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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,025	08/04/2003	Michael A. Kamara	1171-202	5809

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EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/634,025

Applicant(s)

KAMARA ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-15 are pending. No claims have been withdrawn or cancelled.

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-10 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohlund US6233971.**

As to claim 1, Ohlund discloses, an article of jewelry comprising: a) a flexible conductor 31 having an exterior coating 33 of non-conductive composition; b) said conductor forming a loop (see Figure 1a) having first and second discontinuities; c) a clasp 12 located within a first discontinuity; d) a medallion 14 located within a second discontinuity; e) said medallion having

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an opening (see Figure 4) adapted to receive said conductor; f) said clasp includes a housing (see Figure 2a) having a first aperture 24 adapted to receive a proximal end of said conductor from one of said loop discontinuities; g) said proximal end of said conductor joined to an electrode 28 with a cross sectional area greater than a cross sectional area of the first aperture.

As to claim 2, Ohlund discloses, further comprising said housing having a surface with a recess adapted to receive said electrode (see Figure 2a).

As to claim 3, Ohlund discloses, wherein a size of said cross sectional area of said electrode is adapted to prevent withdrawal of said electrode from said first aperture.

As to claim 4, Ohlund discloses, wherein said housing of said clasp is adapted to receive a battery 21/22.

As to claim 5, Ohlund discloses, wherein said electrode of said housing is adapted to contact a terminal of said battery (see Figure 2a).

As to claim 6, Ohlund discloses, an article of jewelry comprising: a) a flexible conductor having an exterior coating of non-conductive composition; b) said conductor forming a loop having first and second discontinuities; c) a clasp located within a first discontinuity; d) a medallion located within a second discontinuity; e) said medallion having an opening adapted to receive said conductor; f) said clasp includes a covering having a surface with a recess, wherein said recess is adapted to receive an electrode from one end of said conductor from one of said loop discontinuities.

As to claim 7, Ohlund discloses, further comprising an aperture 24 adapted to extend through said surface of said covering.

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As to claim 8, Ohlund discloses, wherein said first covering is adapted to receive a battery 21/22.

As to claim 9, Ohlund discloses, wherein said aperture is adapted to receive an element 28/100 to contact a surface of said battery.

As to claim 10, Ohlund discloses, wherein said element is adapted to dislodge said battery from said covering (see Figure 6a).

As to claim 12, Ohlund discloses, an article of jewelry comprising: a) a flexible conductor having an exterior coating of non-conductive composition; b) said conductor forming a loop having first and second discontinuities; c) a clasp located within a first discontinuity; d) a medallion located within a second discontinuity; e) said medallion having a diametrical aperture to form a channel through said medallion; f) a surface mount light emitting diode housed within said diametrical aperture.

As to claim 13, Ohlund discloses, further comprising a conductor from one of said discontinuities in secure contact with a terminal receptor of said light emitting diode.

As to claim 14, Ohlund discloses, further comprising said light emitting diode in a radially equidistant position from an exterior surface of said medallion. As shown in Figure 8 of Ohlund, the LED 16 is in fact equidistant from several points on the exterior surface of the medallion 42.

As to claim 15, Ohlund discloses, wherein said radially equidistant position of said light emitting diode provides an even distribution of illumination. Bae also teaches these limitations.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlund US6233971 in view of Glatter US4459645.**

As to claim 11, Ohlund discloses, further comprising at least a portion of a wall within said covering. The difference between the claim and Ohlund is the claim recites, at least a portion of a rim along at least a portion of a perimeter of said wall. Glatter discloses an illuminated jewelry ornament with a battery case similar to that of Ohlund. In addition, Glatter further teaches the rim. It would have been obvious to one of ordinary skill in the art, having the disclosures of Ohlund and Glatter before him at the time the invention was made, to modify the cover of Ohlund to have a rim, as in Glatter. One would have been motivated to make such a combination because the ability to provide a snap type closure would have been achieved, as taught by Glatter (col. 2, ln. 50-60).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US3968357 to Hamilton discloses an illuminated earring.
2. US4012629 to Simms discloses a flashlight ring.
3. US4101955 to DuNah discloses an ornamental article with illuminated display.

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4. US4186425 to Nadimi discloses illuminated jewelry.
5. US4271457 to Martin discloses illuminated jewelry.
6. US4779172 to Jimenez discloses disco jewelry.
7. US4894757 to Frusha discloses an illumination apparatus.
8. US5018053 to Belknap discloses illuminated jewelry.
9. US5477433 to Ohlund discloses an illuminated necklace.
10. US5497307 to Bae discloses illuminating jewelry.
11. US5653530 to Pittman discloses an ornamental lighting device.
12. US5876109 to Scalco discloses lighted jewelry ornaments.
13. US5934784 to Dion discloses an illuminated article of apparel.
14. US5951158 to Upah discloses illuminated earrings.
15. US6122933 to Ohlund discloses a jewelry piece.
16. US6296364 to Day discloses a lighted bead necklace.
17. US4170036 to Sussel discloses an article of jewelry with flashing diode.
18. US4262324 to Murphy discloses ornamental neckwear.

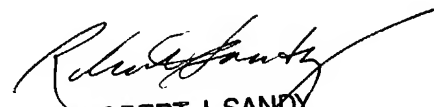
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH

  
ROBERT J. SANDY  
PRIMARY EXAMINER